

Attorney Docket No. 104.025

DECLARATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: SYSTEMS AND METHODS OF PRODUCT PROMOTION, the specification of which is attached hereto.

I hereby state that I have reviewed and understand that contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

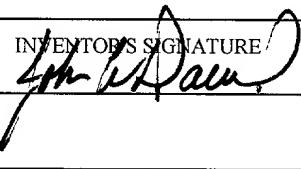
I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application or patent or inventor's certificate having a filing dated before that of the application of which priority is claimed:

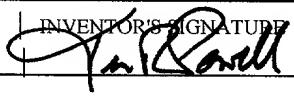
Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, in so far as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) that occurred between the filing date of the prior application and the national or PCT international filing dated of this application:

Application Number	Date of Filing	Status (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF FIRST INVENTOR <u>John. W. Daniel</u>	INVENTOR'S SIGNATURE 	DATE <u>3/30/01</u>
RESIDENCE <u>Athens, Georgia</u>		CITIZENSHIP <u>U.S.</u>
POST OFFICE ADDRESS <u>1592 Mars Hill Road, Suite B, Watkinsville, Georgia 30677</u>		

FULL NAME OF SECOND INVENTOR <u>Ken R. Powell</u>	INVENTOR'S SIGNATURE 	DATE <u>3/30/01</u>
RESIDENCE <u>Athens, Georgia</u>		CITIZENSHIP <u>U.S.</u>
POST OFFICE ADDRESS <u>1592 Mars Hill Road, Suite B, Watkinsville, Georgia 30677</u>		

Office Action Summary	Application No.	Applicant(s)
	09/352,661	CHAN, CHUK DAVID
Examiner	Art Unit	
TUAN HO	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-6,8,9,11-16,18,20 and 22-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-6,8,9,11-16,18,20 and 22-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

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1. Applicant's arguments filed 2/6/02 have been fully considered but they are not persuasive.

The Terminal Disclaimer has not been entered since there is no fee charged to the terminal Disclaimer submitted.

Applicant argues that Masaki fails to disclose:

1) the limitation "means for continuously capturing an actual visual scene...said visual scene from front, rear and side views" in claim 1, and "capturing rear and side view scenes...said triggering steps occurs" in claim 16. In response to the arguments, the examiner notes that video cameras 3, 3a, and 3b can capture images from front, back and side views since lenses used in cameras 3a and 3b are wide angle lenses which can capture images with a field of view of 180 degrees.

2) "buffering" and "preserving" in claim 16. In response to the arguments, the examiner notes that Masaki shows the recoding means 7 and recording medium 4.

3) installation means in claim 13 and 14. In response to the arguments, the examiner notes that installation means is the supporting device which is used to hold the cameras as shown in Fig. 6. Noted that in order to hold the cameras the supporting device has to attach the cameras and a vehicle side so as to hold the cameras in a desired position.

For the reasons, the rejections are repeated.

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2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-2, 4-9, 11-16, 18-20, and 22-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 and 14-20 of U.S. Patent No. 5,899,956. Although the conflicting claims are not identical, they are not patentably distinct from each other

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because 1-2, 4-9, 11-16, 18-20, and 22-25 encompass all limitations of claims 1-20 of the US Patent.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 8-9, 11-16, 18, 20, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Masaki (JP 9-226635 cited by Applicant).

With regard to claim 1, 2, 4, 5, 6, 8-9, 15, Masaki discloses in Fig. 3 a camera system that comprises the same means for continuously capturing an actual visual scene (camera 5), means for buffering up (image recording means 7 and recording medium 4), means for preserving buffered scene (recording medium 4), and means for manually triggering as claimed (manual switch 2d).

With regard to claim 11, Masaki discloses the same housing means (housing 2).

With regard to claim 12, Masaki discloses the same means for capturing sound waves (microphone 2c).

With regard to claims 13 and 14, Masaki discloses the same installation means (Fig. 6 shows an installation device which is used to hold the camera).

Claims 16-18, 20-25 recites what was discussed with respect to claims 1-2, 4-6, 8-9, 11-15.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (703) 305-4943. The examiner can normally be reached on Monday-Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

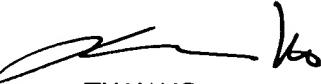
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

th

May 6, 2002


TUAN HO
PRIMARY EXAMINER